

1 ALLEN RUBY (SBN 47109)
allen.ruby@skadden.com
2 JACK P. DICANIO (SBN 138782)
jack.dicarlo@skadden.com
3 KAREN HOFFMAN LENT (*pro hac vice* forthcoming)
karen.lent@skadden.com
4 PATRICK HAMMON (SBN 255047)
patrick.hamon@skadden.com
5 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
525 University Avenue, Suite 1400
6 Palo Alto, California 94301
Telephone: (650) 470-4500
7 Facsimile: (650) 470-4570

8 Attorneys for Defendant
NATIONAL FOOTBALL LEAGUE

9 WILLIAM N. SINCLAIR (SBN 222502)
bsinclair@mdattorney.com
10 STEVEN D. SILVERMAN (admitted *pro hac vice*)
ssilverman@mdattorney.com
11 ANDREW G. SLUTKIN (admitted *pro hac vice*)
aslutkin@mdattorney.com
12 STEPHEN G. GRYGIEL (admitted *pro hac vice*)
sgrygiel@mdattorney.com
13 JOSEPH F. MURPHY, JR. (admitted *pro hac vice*)
jmurphy@mdattorney.com
14 PHILLIP J. CLOSIUS (admitted *pro hac vice*)
pclosius@mdattorney.com
15 SILVERMAN THOMPSON SLUTKIN WHITE LLC
201 N. Charles Street, Suite 2600
16 Baltimore, MD 21201
Telephone: (410) 385-2225
17 Facsimile: (410) 547-2432

18 Attorneys for Plaintiffs
RICHARD DENT, ET AL.

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA

22 SAN FRANCISCO DIVISION

23 RICHARD DENT, et al.,

CASE NO.: 3:14-cv-02324-WHA

24 Plaintiffs,

JOINT CASE MANAGEMENT
SUGGESTIONS

25 v.

26 NATIONAL FOOTBALL LEAGUE,

27 Defendant.

1 Plaintiffs Richard Dent, et al. (hereinafter “Plaintiffs”) and Defendant National Football
 2 League (hereinafter “Defendant” or the “NFL”) (collectively, the “Parties”) met and conferred
 3 about the Court’s Request for Case Management Suggestions (Dkt. No. 116). The Parties have no
 4 objection to each other’s suggestions for the efficient management of the case, and therefore
 5 respectfully submit the following joint suggestions for the Court’s consideration.

6 **I. LEAVE TO FILE THIRD AMENDED COMPLAINT**

7 Plaintiffs have indicated that they intend to seek leave to file a third amended complaint
 8 (the “Third Amended Complaint”) as their “best and final” pleading. The NFL does not object to
 9 the filing of the Third Amended Complaint, to which Defendant intends to respond with a motion
 10 to dismiss. If leave is granted and the Court grants the NFL’s motion to dismiss, Plaintiffs have
 11 agreed that they will not seek leave to file a Fourth Amended Complaint.

12 **II. MOTION TO DISMISS SCHEDULING**

13 If leave to file the Third Amended Complaint is denied, the NFL intends to move to dismiss
 14 Plaintiffs’ operative complaint in accordance with the Court’s schedule and the Federal Rules of
 15 Civil Procedure. The Parties respectfully suggest that the schedule should proceed as follows:

MOTION / EVENT	DEADLINE
The NFL Files Its Motion to Dismiss the Second Amended Complaint (the “MTD”)	Nov. 20, 2018
Plaintiffs File Their Opposition to the NFL’s MTD	Dec. 4, 2018
The NFL Files Its Reply in Support of Its MTD	Dec. 11, 2018
Hearing on the NFL’s MTD	Dec. 20, 2018

25 However, if the Court permits Plaintiffs to file their Third Amended Complaint, the Parties
 26 respectfully request a modified briefing schedule. Given the challenges associated with a briefing
 27 schedule that potentially encompasses three separate federal holidays, the Parties respectfully ask
 28 that the Court consider the following briefing schedule:

MOTION / EVENT	DEADLINE
Plaintiffs File Their Third Amended Complaint	Dec. 5, 2018
The NFL Files Its Motion to Dismiss the Third Amended Complaint (the “MTD”)	Jan. 16, 2019
Plaintiffs File Their Opposition to the NFL’s MTD	Feb. 5, 2019
The NFL Files Its Reply in Support of Its MTD	Feb. 14, 2019
Hearing on the NFL’s MTD	Feb. 21, 2019

11 **III. DISCOVERY STAY**

12 The Parties do not foresee a need for additional discovery through the Court’s decision on
 13 the contemplated challenges to the Third Amended Complaint (or the Second Amended Complaint,
 14 if leave to amend is denied). The Parties suggest that discovery be stayed pending further order of
 15 the Court.

16 **IV. RULE 16 SCHEDULING CONFERENCE**

17 The Parties respectfully ask the Court to set a scheduling conference under Rule 16 if the
 18 contemplated motion to dismiss is denied.

20 DATED: October 23, 2018

Respectfully Submitted:

21 SILVERMAN THOMPSON SLUTKIN WHITE LLC

23 By: _____ /s/ William N. Sinclair _____
 WILLIAM N. SINCLAIR
 24 Attorneys for Plaintiffs

1 DATED: October 23, 2018

Respectfully Submitted:

2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

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4 By: _____/s/ Jack P. DiCanio
5 JACK P. DICANIO
6 Attorneys for Defendant
7 NATIONAL FOOTBALL LEAGUE

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SIGNATURE ATTESTATION

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Pursuant to Civil Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in
the filing of this document has been obtained from any other signatory to this document.

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DATED: October 23, 2018

_____/s/ Jack P. DiCanio

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Jack P. DiCanio

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